

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of Wei SUN, <i>et al.</i>	: Group Art Unit: 1649 : :
Appln. No:	10/540,968	: Examiner: Hugh M. Jones
Filed:	September 26, 2005	: : Attorney Docket No.:
For:	METHODS AND APPARATUS FOR COMPUTER-AIDED TISSUE ENGINEERING FOR MODELING, DESIGN AND FREEFORM FABRICATION OF TISSUE SCAFFOLDS, CONSTRUCTS, AND DEVICES	: 046528-5047 (415078) :

**Declaration of WEI SUN, Ph.D, Under 37 C.F.R. § 1.132**

1. I, Wei Sun, am a named co-inventor of the present application, U.S. App. Ser. No. 10/540,968.
2. I am a Professor of Mechanical Engineering and Biomedical Engineering at Drexel University.
3. The present application, U.S. App. Ser. No. 10/540,968, is a national stage entry application of PCT/US04/15316, filed May 14, 2004, which claims priority from U.S. Provisional App. No. 60/520,272, filed November 14, 2003.
4. Mironov et al. has been cited by the examiner to support rejections under 35 U.S.C. § 102(a) and § 103(a).
5. Mironov et al. was published on April 21, 2003, and was available online on February 22, 2003, less than one year before U.S. Provisional App. No. 60/520,272 was filed.

6. Mironov et al. is not a proper 35 U.S.C. § 102(a) or § 103(a) reference, because I invented the apparatus, as well as the processes the apparatus performs, before Mironov et al. was published online on February 22, 2003.

7. Prior invention by me of the apparatus is evidenced by the presence of the pictures of the apparatus shown in Figure 2a of Mironov et al. The picture shown in Figure 2a was provided by me to Vladimir Mironov, the lead author of Mironov et al., before Mironov et al. was published online on February 22, 2003.


8. The descriptions of the structure and function of the apparatus depicted in Figure 2a of Mironov et al. were provided by me to Vladimir Mironov before Mironov et al. was published.

9. Attached as Exhibits 1, 2 and 3 are computer-generated graphics of the apparatus depicted in Figure 2a of Mironov et al. These computer-generated graphics were developed by me on a date prior to the publication of Mironov et al.

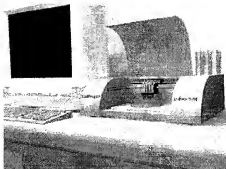
10. I invented the claimed features of the apparatus shown in Figure 2a of Mironov et al. prior to the publication of Mironov et al.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

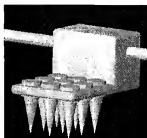
\_\_\_\_ February 24, 2009 \_\_\_\_  
(date)

  
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Wei Sun, Ph.D.

**Exhibit 1**



**Exhibit 2**



**Exhibit 3**

